

August 28, 2021

**NOTICE OF FIRST AMENDED JCPH ORDER 21-002 REQUIRING  
FACE COVERINGS FOR ALL INDIVIDUALS AGES 3+ AND REGULAR  
TESTING FOR UNVACCINATED INDIVIDUALS IN PRE-K THROUGH  
GRADE 12 SCHOOL AND CHILDCARE SETTINGS (JCPHO 21-002)**

The Jefferson County Public Health Department (“JCPH”) is working to stop the spread of Coronavirus 2019 (“COVID-19”). To support this effort, I find it necessary to implement emergency measures to require that require all individuals aged 3 and older to wear Face Coverings while indoors at pre-kindergarten through grade 12 school and childcare settings within Jefferson County. Additionally, I find it necessary to implement emergency measures to require Unvaccinated individuals working or providing services in schools and childcares, and Unvaccinated students and adults participating in school-based extracurricular activities, to undergo regular testing for COVID-19.

**FINDINGS AND NECESSITY OF ORDER**

**A. Jurisdiction and Authority**

JCPH has public health jurisdiction over Jefferson County, Colorado (“Jefferson County”), including all cities and towns therein. In furtherance of its jurisdiction, JCPH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Jefferson County, as well as the power and duty to close schools and public places and to prohibit gatherings of people when necessary to protect public health, and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within Jefferson County as JCPH may find necessary for the protection of public health.

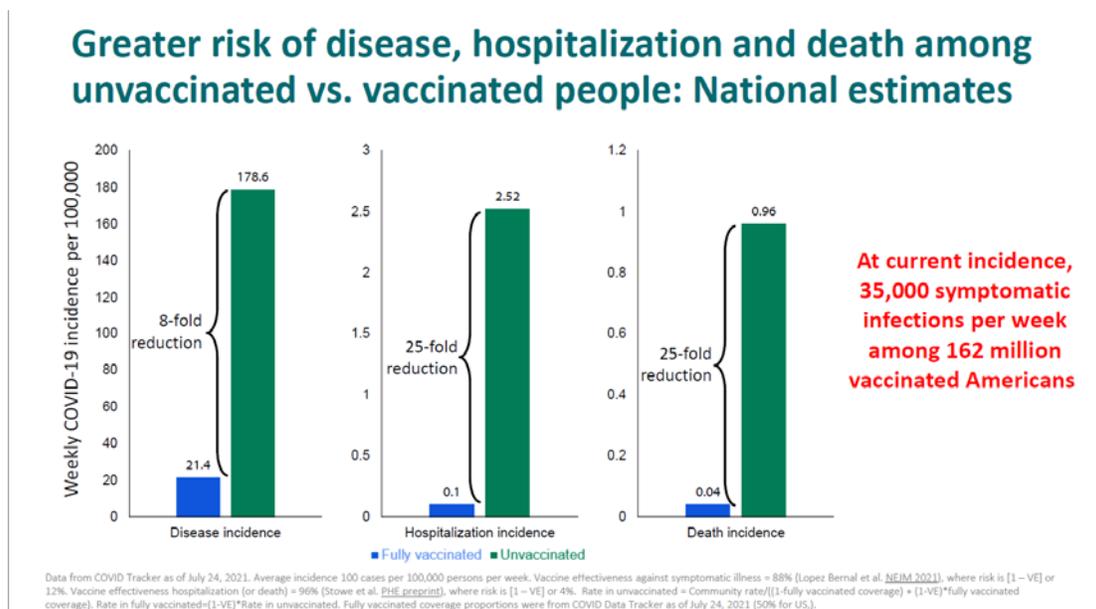
**B. The COVID-19 Virus and the Delta Variant**

COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 213 countries, including the United States.

COVID-19 is a respiratory illness transmitted like other respiratory illness primarily through person-to-person contact. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing. Persons infected with COVID-19 may be asymptomatic yet still able to transmit the virus. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease but Unvaccinated individuals of all ages are at high risk of infection.

The Colorado Department of Public Health and Environment (“CDPHE”) first detected the Delta variant of the SARS-CoV-2 virus in Colorado the week of April 18, 2021. As of July 25, 2021, the Delta variant constituted 99.0% of all COVID-19 tests sampled for the variant in Colorado.<sup>1</sup>

Due to the recent surge of Delta variant COVID-19 cases, it is now estimated that more than 80% of the population must be vaccinated to achieve herd immunity due to the high rate of transmissibility of the Delta variant.<sup>2</sup> The Centers for Disease Control and Prevention (“CDC”) reports that the Delta variant is twice as contagious as previous variants and the greatest risk of transmission is among Unvaccinated people who are much more likely to contract, and therefore transmit, the virus.<sup>3</sup> Some data suggests that the Delta variant may cause more severe illness than previous strains of the virus in Unvaccinated persons. Moreover, fully vaccinated people with Delta variant breakthrough infections can spread the virus to others, although vaccinated people appear to be infectious for a shorter period of time. As observed with higher rates of transmission, the Delta variant appears to have a greater impact on children ages 19 and under as compared to past strains of the virus, such as the ancestral type and prior variants.



<sup>1</sup> COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *Colorado COVID-19 Data*, available at <https://covid19.colorado.gov/data> (last visited August 15, 2021).

<sup>2</sup> INFECTIOUS DISEASES SOCIETY OF AMERICA, *Media Briefing: Vaccines, the Delta Variant, and Chasing Herd Immunity* (August 3, 2021), available at <https://www.idsociety.org/multimedia/videos/idsa-media-briefing-vaccines-the-delta-variant-and-chasing-herd-immunity/>

<sup>3</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Delta Variant: What We Know About the Science* (August 6, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

<sup>4</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Improving Communications Around Vaccine Breakthrough and Vaccine Effectiveness* (July 29, 2021).

Comparison of Transmissibility of Diseases by Basic Reproductive Number ( $R_0$ ) <sup>5</sup>		
Disease	Transmission	$R_0$
Measles	Airborne	12-18
COVID-19 Delta	Airborne Droplet	5-9
Diphtheria	Saliva	6-7
Smallpox	Airborne Droplet	5-7
Polio	Fecal-Oral route	5-7
Rubella	Airborne Droplet	5-7
Mumps	Airborne droplet	4-7
HIV/AIDS	Sexual Contact	2-5
Pertussis	Airborne Droplet	5.5
SARS	Airborne Droplet	2-5
Influenza (1918 Pandemic)	Airborne Droplet	2-3
COVID-19 Ancestral	Airborne Droplet	1.5-3.0
Ebola (2014 outbreak)	Bodily Fluids	1.5-2.5

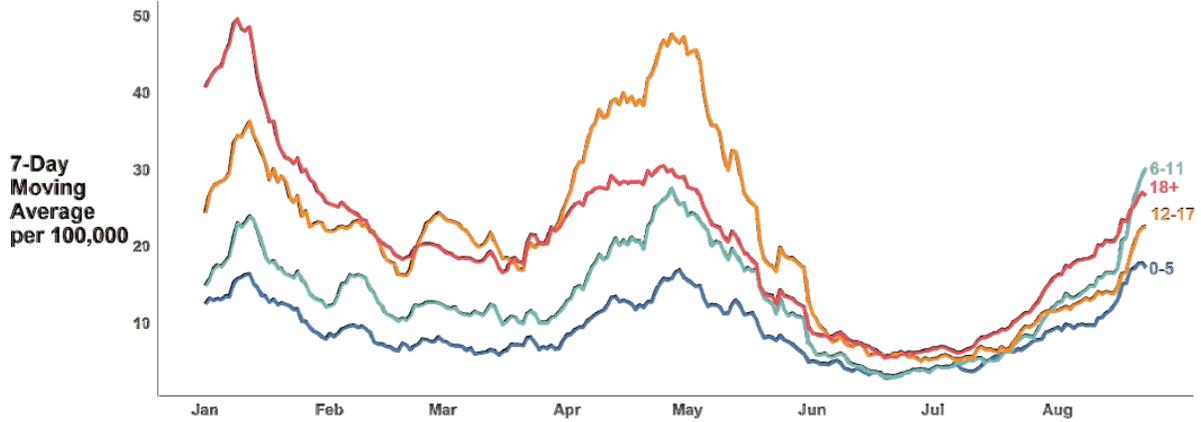
Children are impacted by COVID-19 as shown in the chart below comparing the fourteen (14)-day incident rates for children ages 0-4, 5-11, and 12-19 for two time periods, summer of 2021 (dashed lines) and summer of 2020 (solid line).<sup>6</sup> The graph demonstrates that the spread of the virus is accelerating rapidly among the 5-11 and 12-19 age groups. Further, among all age groups of children, rates are higher as we enter the 2021 Fall semester than they were at this point in time last year. Additionally, at the end of August, the COVID-19 7-day average case rate among 6-11 year olds was higher than the rate among any other age group, including adults, for the first time in 2021.<sup>7</sup>

<sup>5</sup> COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *Hot Topics in Communicable Disease Epidemiology* (Originally presented on February 13, 2021), Updated on August 15, 2021.

<sup>6</sup> Includes confirmed and probable cases of COVID-19 in Jefferson County reported to public health. Confirmed cases are people who have tested positive via PCR or other molecular testing. Probable cases are people who had close contact with a confirmed case and have symptoms consistent with COVID-19, have a death certificate listing COVID-19 as a cause of death and have no laboratory test of have a positive antigen test. Population estimates used to calculate rates are from the 2019 American Community Survey. Data accessed August 9, 2021.

<sup>7</sup> COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT Aug. 25, 2021 LPHA Director's Epi Update at p.5.

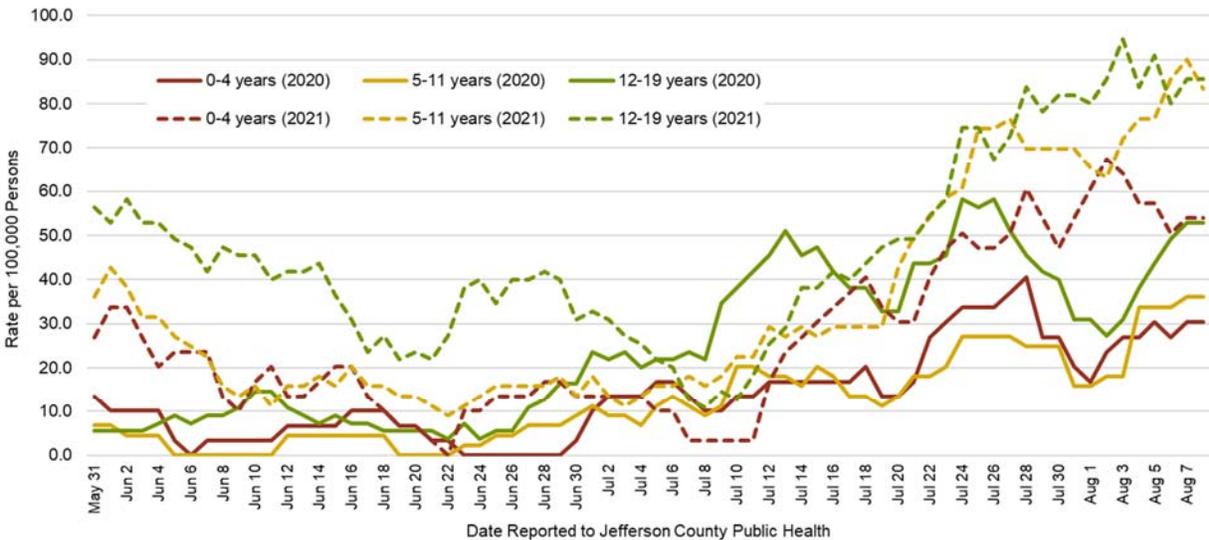
### Colorado's Pediatric Case Rates



Updated Aug 24, 2021



COVID-19 7-Day Case Rates<sup>1</sup> Among Jefferson County Residents by Age Group:  
May 31, 2020 - August 8, 2020 versus May 31, 2021 - August 8, 2021



<sup>1</sup> Includes confirmed and probable cases of COVID-19 in Jefferson County reported to public health May 31, 2020 - August 8, 2020 and May 31, 2021 - August 8, 2021. Confirmed cases are people who have tested positive via PCR or other molecular testing. Probable cases are people who had close contact with a confirmed case and have symptoms consistent with COVID-19, have a death certificate listing of COVID-19 as a cause of death and have no laboratory test, or have a positive antigen test. Population estimates used to calculate rates are from the 2019 American Community Survey.  
Data as of August 9, 2021

Age Range	COVID-19 7-Day Case Rate August 8, 2020	COVID-19 7-Day Case Rate August 8, 2021	Percentage Increase 2021 v. 2020
0-4 years	30.3	53.9	<b>77.8%</b>
5-11 years	36.0	83.3	<b>131.3%</b>
12-19 years	52.8	85.5	<b>62.1%</b>

While the COVID-19 vaccines are currently available to all Coloradoans aged 12 and older, estimates indicate that as of early August, only about 63% of the Colorado population is currently immune to COVID-19;<sup>8</sup> this is far short of the percentage of the population needed to reach herd immunity. In Jefferson County, 75.1% of the eligible population has received at least one (1) vaccine dose as of August 8, 2021, but only 60.3% of those aged 12-19 have received at least one (1) dose.<sup>9</sup>

According to the CDC, COVID-19 continues to pose a serious risk, especially to individuals who are not fully vaccinated, and certain viral mitigation measures remain necessary to protect against COVID-19 cases, hospitalizations, and deaths. On July 28, 2021, the CDC updated its guidance and recommended that all individuals, including those who are fully vaccinated, wear a Face Covering in all public indoor settings in areas of substantial or high transmission.<sup>10</sup>

As of August 14, 2021, the CDC identifies Jefferson County as an area with high transmission at a 7-day new COVID-19 case rate of 119.4 per 100,000.<sup>11</sup>

While Jefferson County's one-week incident rates have dropped from the peaks of November and December, 2020, case counts and hospitalizations have recently increased rapidly due to the presence of variants in Colorado and insufficiently high vaccination rates to achieve herd immunity. As of July 28, 2021, the 7-day new COVID-19 case rate was 18.9/100,000 persons and as of August 28, 2021, that rate had risen to 91.8/100,000 persons.<sup>12</sup> As of August 24, 2021, there were 606,236 known presumptive positive cases of COVID-19 statewide in Colorado, and 52,702 known presumptive positive cases in Jefferson County, Colorado, as well as 7,373 deaths due to COVID-19 statewide and 881 deaths in Jefferson County.<sup>13</sup>

<sup>8</sup> COLORADO SCHOOL OF PUBLIC HEALTH, *Briefing Report* (August 4, 2021).

<sup>9</sup> Includes COVID-19 vaccines administered to Jefferson County residents and reported to the Colorado Immunization Information System. Population estimates used to calculate rates are from the 2019 American Community Survey. Data accessed on August 9, 2021.

<sup>10</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Interim Public Health Recommendations for Fully Vaccinated People* (July 28, 2021) available at, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

<sup>11</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, COVID Data Tracker, available at <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited August 15, 2021).

<sup>12</sup> Includes confirmed and probable cases of COVID-19 in Jefferson County reported to public health. Confirmed cases are people who have tested positive via PCR or other molecular testing. Probable cases are people who had close contact with a confirmed case and have symptoms consistent with COVID-19, have a death certificate listing COVID-19 as a cause of death and have no laboratory test of have a positive antigen test. Population estimates used to calculate rates are from the 2019 American Community Survey. Data accessed August 9, 2021.

<sup>13</sup> Includes confirmed and probable cases of COVID-19 in Jefferson County reported to public health. Confirmed cases are people who have tested positive via PCR or other molecular testing. Probable cases are people who had close

Seven Day Case Incidence Rate per 100,000 people and Number of People Not Fully Vaccinated



Vaccination is the most effective way to prevent transmission of COVID-19, to limit COVID-19 hospitalizations and deaths and to prevent the health care system from becoming overwhelmed. When vaccination is not possible a layered viral mitigation strategy including wearing Face Coverings, testing, social distancing, hand hygiene, and ventilation decreases risk of transmission of COVID-19.

### C. Childcare, Pre-K – 12 Schools, and COVID-19

On August 5, 2021, the CDC updated its Guidance for COVID-19 Prevention in K-12 Schools, noting specifically as its first three (3) key takeaways:

1. Students benefit from in-person learning, and safely returning to in-person instruction in the fall of 2021 is a priority.
2. Vaccination is the leading public health prevention strategy to end the COVID-19 pandemic. Promoting vaccination can help schools safely return to in-person learning as well as extracurricular activities and sports.
3. Due to the circulating and highly-contagious Delta variant, the CDC recommends universal indoor masking by all students aged two (2) and older, staff, teachers, and visitors to K-12

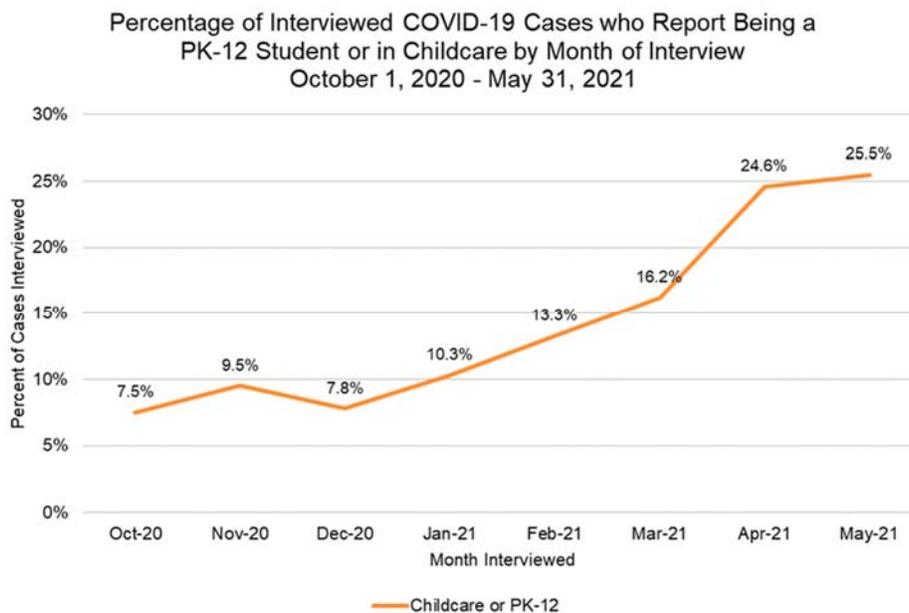
contact with a confirmed case and have symptoms consistent with COVID-19, have a death certificate listing COVID-19 as a cause of death and have no laboratory test of have a positive antigen test. Data accessed August 9, 2021. COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, Colorado COVID-19 Data, available at <https://covid19.colorado.gov/data> (last visited August 25, 2021).

schools regardless of vaccination status.<sup>14</sup>

On July 19, 2021, the American Academy of Pediatrics called for universal masking among all individuals aged 2 and older within school settings in order to prioritize in-person learning.<sup>15</sup>

Roughly 28.6% of all confirmed Jefferson County outbreaks reported in the fall of 2020 were either in childcare or pre-K through grade 12 school settings, and there were approximately 7,215 diagnosed infections during the Fall 2020 and Spring 2021 semesters in the childcare/pre-K through grade 12 age group (ages 0 to 19).

The percentage of interviewed COVID-19 cases who reported being in a pre-K through grade 12 school or a childcare increased during the 2020-2021 school year to a maximum of 25.5%. Exposures within school settings included classrooms, extracurricular activities, and spillover from students who engaged in private extracurricular activities and attended school during their infectious period.



Prevention strategies and particularly universal masking have proven effective at slowing the transmission of COVID-19 in school and childcare settings.<sup>16</sup> Multiple studies indicate that wearing a Face Covering reduces new infections, that Face Coverings are safe, and do not raise

<sup>14</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Guidance for COVID-19 Prevention in K-12 Schools* (August 5, 2021), available at, <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

<sup>15</sup> AMERICAN ACADEMY OF PEDIATRICS, *American Academy of Pediatrics Updates Recommendations for Opening Schools in Fall 2021* (July 19, 2021), available at, <https://services.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-updates-recommendations-for-opening-schools-in-fall-2021/>

<sup>16</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Science Brief: Transmission of SARS-CoV-2 in K-12 Schools and Early Care and Education Programs – Updated* (July 9, 2021), available at, [https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission\\_k\\_12\\_schools.html](https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission_k_12_schools.html)

CO2 levels or reduce O2 levels to levels of clinical importance.<sup>17</sup> Furthermore, Face Coverings may prevent disruptive quarantines in higher risk settings.<sup>18</sup> Additionally, masking has been demonstrated to reduce school-associated COVID-19 transmission from secondary transmission rates of 11-27% in schools without masking to 1-4% in schools with universal masking policies.<sup>19</sup>

While vaccines are very effective at reducing severe disease, hospitalization, and death from COVID-19 and are the primary strategy to ending the pandemic, approximately 74,090 children in Jefferson County are ineligible for vaccination because they are under the age of 12.<sup>20</sup> There are approximately 21,821 children ages 12-19 who are eligible for the vaccine but who remain Unvaccinated as of August 9, 2021.<sup>21</sup>

Although Face Coverings are strongly recommended for all individuals aged 2 and older by multiple expert medical and public health sources including Children's Hospital Colorado, the American Academy of Pediatrics, and the Centers for Disease Control and Prevention, JCPH acknowledges that due to their level of cognitive development, children under the age of 3 years may have difficulty following instructions and properly wearing a Face Covering without constant adult supervision. Numerous childcare providers have informed JCPH that they lack the staffing necessary to always keep masks on children under the age of 3. For this reason, JCPH hereby modifies the age requirement for masking from children ages 2 and older to apply instead to children ages 3 and older.

Likewise, JCPH acknowledges that not all School and Childcare Settings have sufficient space to ensure that children can be spaced at least six (6) feet apart while unmasked during meal or snack times or while playing instruments. JCPH therefore recognizes the need to balance the implementation of numerous viral mitigation strategies with the practical constraints of School and Childcare Settings. For this reason, JCPH hereby modifies the spacing requirement to strongly recommend at least three (3) feet apart while unmasked during meal or snack times or while playing instruments.

## INTENT

The intent of this Order is ensure that the maximum number of people wear Face Coverings in School and Childcare Settings to slow the spread of COVID-19 to the greatest extent possible in order to minimize disruptions to in-person learning and childcare.

Except as provided below, all individuals in Jefferson County age 3 and older must wear a Face Covering while indoors at any School or Childcare Setting. All provisions of this Order should be

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<sup>17</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Science Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2* (May 7, 2021), available at, <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>

<sup>18</sup> COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *Practical Guide for Operationalizing CDC's School Guidance* (August 10, 2021), available at <https://covid19.colorado.gov/practical-guide-for-operationalizing-cdc-school-guidance>

<sup>19</sup> CHILDREN'S HOSPITAL COLORADO, *School Health: Masking in Schools* (July 30, 2021).

<sup>20</sup> Population estimates are from the 2019 American Community Survey.

<sup>21</sup> Includes COVID-19 vaccines administered to Jefferson County residents and reported to the Colorado Immunization Information System. Data accessed on August 9, 2021.

interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

## ORDER

Pursuant to the authority granted the Executive Director of Jefferson County Public Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-509(1)(c), and consistent with CDPHE guidance, American Academy of Pediatrics guidance, and the CDC's guidance, the following is ordered:

### 1. Definitions.

- a. **Childcare Setting** means all licensed childcare facilities in Jefferson County.
- b. **Close Contact** means an individual who was within three (3) feet for a total of fifteen (15) minutes or more of a person who has tested positive for COVID-19.
- c. **Face Covering** as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made or may be handmade and improvised by using ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face; allow for breathing without restriction; and either be constructed of disposable mask materials or include multiple layers of fabric that can be laundered and machine-dried without damage or change to shape. Face Coverings must cover the nose and mouth at all times and should remain in place until taken off safely. If a Face Covering moves during regular activity exposing the nose or mouth, it must be replaced with one that does not need to be frequently adjusted in order to reduce touching of the face. A Face Covering should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order's requirements. Valves of that type permit droplet release from the mask and can put others nearby at risk.

A video showing how to make a Face Covering and additional information about how to wear and clean Face Coverings may be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

- d. **Fully Vaccinated** means two (2) calendar weeks after an individual has received all required doses of the prescribed COVID-19 vaccine. Unless an individual is fully vaccinated, they are considered **Unvaccinated**.

- e. **School Setting** means any indoor facility used for instruction of academic or school-based or sponsored extracurricular activities for pre-kindergarten through 12<sup>th</sup> grade. School Setting includes public, private, and charter schools. School Setting includes all buildings on school property where individuals aged 3-19 may be present for any reason, as well as any place in Jefferson County where school-based or sponsored activities are performed, even if such activities are not performed on school property.
- f. **Staff** means all individuals working or otherwise providing services indoors at a School Setting or Childcare Setting, including, but not limited to, employees, contractors, and volunteers.

## 2. Face Coverings Required for all Individuals Aged 3+ in School Settings and Childcare Settings.

- a. Except as specifically exempted by Paragraphs 4 and 5 below, all individuals aged three (3) and older must wear a Face Covering while indoors at any School or Childcare Setting, including for purposes of extracurricular activities, regardless of the individual's vaccination status.

## 3. Routine Testing.

- a. All School and Childcare Settings must follow the following provisions of JCPH's [Guidance for Public and Private K-12 Schools and Child Care Settings](#) ("Guidance"):
  - i. Implement a COVID-19 testing policy with the following elements:
    - (1) Parents/guardians must report their child's positive COVID-19 test results to the school health office.
    - (2) All individuals experiencing symptoms of illness, regardless of their vaccination status, must leave School and Childcare Settings and take a molecular/PCR COVID-19 test and present a negative test result before being allowed to return if testing is specified by the CDPHE's Return to Learn Guidance document (<https://drive.google.com/file/d/1nhgGIbakyAJY3XJ2TW44sw7btXXqISBR/view>).
    - (3) All Unvaccinated individuals quarantined due to exposure (i.e., identification as a Close Contact of a case) must be:
      - a. asymptomatic and take a COVID-19 test and present a negative result before being allowed to return to school or the childcare facility if choosing the shortened seven (7)-day quarantine period; or
      - b. asymptomatic before being allowed to return to school or the childcare facility if choosing the shortened ten (10)-day quarantine period over the preferred fourteen (14)-day quarantine period.

- (4) The facilities that are subject to this Order are responsible for determining whether one of the children in their care or one of their Staff meets the definition of a Close Contact.
- ii. Implement a monitoring system which requires all Unvaccinated Staff to be tested at least weekly throughout the 2021-2022 school year and to present negative test results to continue attending school or childcare in person. The monitoring system must be implemented no later than September 7, 2021. This provision shall not apply to Staff who are otherwise subject to a routine testing program by their employer that requires documentation of testing at least once per week.
- iii. Implement a monitoring system which requires all Unvaccinated students and adults participating in school-based extracurricular activities, other than spectators at extracurricular competitions or performances, to be tested at least weekly throughout the 2021-2022 school year and to present negative test results each week to continue participation in the extracurricular activity. The monitoring system must be implemented no later than September 7, 2021.
  - (1) School and Childcare Settings are encouraged to utilize the CDPHE Free Testing Program. Details are available at <https://covid19.colorado.gov/free-testing-schools>
- iv. Regardless of vaccination status, all individuals who test positive for COVID-19 are required to follow isolation instructions from JCPH and isolate for 10 days.
- v. Unvaccinated individuals who were unmasked at the time of their exposure to either a masked or unmasked individual are required to quarantine if identified as a Close Contact of a COVID-19 case in both outbreak settings and in exposures involving only one (1) case.
  - (1) Asymptomatic individuals may quarantine for ten (10) days
  - (2) Asymptomatic individuals may quarantine for seven (7) days if they test negative for COVID-19 after day five (5) of the quarantine period and must present negative test results to return to school or childcare in person.
  - (3) Symptomatic individuals must quarantine for fourteen (14) days and should be tested for COVID-19.
- vi. Unvaccinated individuals who were masked at the time of their exposure to either a masked or unmasked individual are required to quarantine if identified as a Close Contact of a COVID-19 case in an outbreak setting.
  - (1) Asymptomatic individuals may quarantine for ten (10) days
  - (2) Asymptomatic individuals may quarantine for seven (7) days if they test negative for COVID-19 after day five (5) of the quarantine

period and must present negative test results to return to school or childcare in person.

- (3) Symptomatic individuals must quarantine for fourteen (14) days and should be tested for COVID-19.

To the extent that the Guidance and this Order conflict, the provisions of this Order shall control.

- b. All School and Childcare Settings are required to follow the provisions of the Guidance listed above, and are strongly encouraged to follow those provisions of the Guidance not explicitly required by this Order.

**4. Exemptions.** The following individuals who are exempt from the Face Covering requirements of this Order:

- a. Individuals under age 3.
- b. Individuals who cannot medically tolerate a Face Covering and who have submitted to the School or Childcare Setting a statement provided on an appropriate health care professional's letterhead including the following:
  - i. Clinicians printed name, license number, address, phone number
  - ii. Signature of the medical provider
  - iii. Identification of the medical condition preventing the individual from wearing a mask and any recommended alternative to the mask.
- c. Individuals who require special educational service needs that cannot be conducted while wearing a Face Covering.

**5. Exceptions.** Individuals performing any of the following activities are exempt from the Face Covering requirements of this Order while the activity is being performed:

- a. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication.
- b. Individuals seated during meal and snack time and who are actively eating or drinking. However, it is strongly recommended that individuals be seated at least three (3) feet apart during meal and snack time or these activities must occur outdoors.
- c. Individuals who are asked to temporarily remove their Face Covering for identification purposes in furtherance of a particular service requiring legal identification.
- d. Individuals who are actively engaged in a public safety role, such as law enforcement personnel, firefighters, or emergency medical personnel.
- e. Individuals who are receiving a medical service where the temporary removal of a Face Covering is necessary to perform the service.

- f. Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
  - g. When a student in a School Setting for academic credit is actively playing an instrument that cannot otherwise be played while wearing a Face Covering, and such student is at least three (3) feet from all other individuals in the room.
  - h. Individuals who are actively napping or resting pursuant to state licensing requirements.
  - i. Individuals who are alone in an enclosed room.
  - j. Individuals who are officiating or participating in a religious service or practice where the temporary removal of a Face Covering is necessary to complete or participate in the religious service or practice.
6. **Supervision.** Teachers, caregivers, and parents should supervise the use of Face Coverings by children to avoid misuse. Additionally, nothing in this Order advises or requires that children under the age of three (3) years wear a Face Covering.
7. **Recommendations.**
- a. All individuals aged 2 to 3 and older are strongly encouraged to wear a Face Covering at all times while indoors regardless of their vaccination status.
  - b. All individuals aged two (2) and older who have not been vaccinated are strongly encouraged to practice social distancing of six (6) feet from non-household members and practice good hygiene including frequent handwashing.
  - c. If individuals are unmasked indoors while engaging in activities such as eating, drinking, napping, or playing instruments, JCPH strongly recommends that they be spaced at least six (6) feet apart. JCPH further recommends moving these activities to an outdoor setting if possible.
8. **Americans with Disabilities Act.** The requirements of this Order shall be applied in a manner consistent with the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of the Americans with Disabilities Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. §24-34-401 *et seq.*), and any other relevant federal or State law.
9. **Signage Requirements.** All facilities covered by this Order shall post on all entrances a sign which states that, pursuant to Jefferson County Public Health Order 21-002, no individual may enter the facility without wearing a Face Covering unless a specific exception applies. Jefferson County Public Health shall provide a PDF copy of the sign to print out and post on their entrances. The link to the signage in English is available at [https://www.jeffco.us/DocumentCenter/View/28576/JCPH\\_SchoolMaskRequirement\\_Sign8](https://www.jeffco.us/DocumentCenter/View/28576/JCPH_SchoolMaskRequirement_Sign8)

5x11 and the link to the signage in Spanish is available at [https://www.jeffco.us/DocumentCenter/View/28577/JCPH\\_SchoolMaskRequirement\\_SPANISH\\_Sign85x11](https://www.jeffco.us/DocumentCenter/View/28577/JCPH_SchoolMaskRequirement_SPANISH_Sign85x11)

**10. Conflict and Preemption.**

- a. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) concerning Face Coverings or that impose Face Covering requirements beyond those contained in this Order.
- b. Nothing in this Order should be construed to preempt any Federal orders or laws, including the CDC Order requiring all individuals aged two (2) and older to wear masks on conveyances and transportation hubs, including school buses.
- c. Nothing in this Order should be construed to preempt any local public health orders.
- d. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.
- e. Nothing in this Order shall be construed to prevent any business or other entity from requiring its employees, staff, customers, or other staff to wear a Face Covering while engaging with that entity or on the entity's property.

**11. Refusal of Service.** Except for the limited exemptions and exceptions provided in Paragraphs 4 and 5 above, no school (including public, private, and charter schools) or childcare that serves children age 3 or older, through and including the 12<sup>th</sup> grade, may allow an individual to enter or be within their indoor space unless the individual is wearing a Face Covering as required by this Order.

**12. Reasonable Accommodations.** JCPH recommends that schools and licensed childcare facilities review the State of Colorado's [Civil Rights Guidance](#).

**13. Legal Recourse.** Any school or licensed childcare facility that is in violation of this Order may be subject to a civil action, including but not limited to injunctive relief pursuant to C.R.S. § 25-1-514 and reimbursement of expenses pursuant to C.R.S. §25-1-516(3), reporting to the appropriate licensing agency for suspension or revocation of its license, or an immediate closure order issued by JCPH.

Along with CDPHE, JCPH is tasked with protecting the health and welfare of the citizens of Jefferson County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

If you have questions regarding this Order, please contact the JCPH at [HealthEPR@jeffco.us](mailto:HealthEPR@jeffco.us) or view the COVID-19 information on JCPH's website at [www.jeffco.us/coronavirus](http://www.jeffco.us/coronavirus).

This JCPH Public Health Order 21-002 shall be in effect from August 17, 2021, at 12:01 a.m. and shall remain in effect until rescinded, superseded, or amended in writing by the Executive Director of JCPH.

**FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR.**

If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**Issued by:**



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**R. Dawn Comstock, Ph.D**  
**Executive Director**  
**Jefferson County Public Health**

**August 28, 2021**  
**Date**